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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

GEMMELL, ELIZABETH M

ART UNIT PAPER NUMBER

2882

DATE MAILED: 01/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,207

Applicant(s)

DIVEN ET AL.

Examiner

Beth Gemmell

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 10-14 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) Paper No(s) 4.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-14 drawn to Group I, classified in class 313, subclass 407.
- II. Claim 15, drawn to Group II, classified in class 445, subclass 30.

The inventions are distinct, each from the other because of the following reasons:

Inventions Groups I and II are related as process of making and product made.

The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the damper wire could be attached by welding rather than looping.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

During a telephone conversation with Carlos Herrera on 17 December 2002 a provisional election was made without traverse to prosecute the invention of Group I, claims 1-14. Affirmation of this election must be made by applicant in replying to this

Office action. Claim 15 is withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Drawings

Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4-8, and 10-14 rejected under 35 U.S.C. 102(b) as being anticipated by Hashiba et al. (US Patent 4,780,641).

Re claim 1: Hashiba et al. discloses, in figure 3 and throughout the discloser, an apparatus for retaining a damper wire on a grill type mask assembly in a cathode ray tube comprising: a grill type mask assembly having a frame (13) and a mask(3); a damper spring (21) comprising a first metallic layer and a second metallic layer (column 3, lines 20+), the damper spring having a first end and an opposing second end, wherein the second end is coupled to the frame; and a tab (22) formed on the damper spring and adapted to accept the damper wire that traverses the mask.

Re claim 2: Hashiba et al. discloses, in column 3, lines 21+, the first metallic layer being a different material than the second metallic layer.

Re claim 4: Hashiba et al. discloses, in column 3, line 21, the second metallic layer is comprised of stainless steel.

Re claim 5: Hashiba et al. discloses, in figure 3 and throughout the discloser, the first metallic layer disposed on an inner surface of the damper spring for allowing the damper spring to curl inward and unload the damper wire during high temperature processing.

Re claim 6: Hashiba et al. discloses, in figure 3 and throughout the discloser, the second metallic layer disposed on an outer surface of the damper spring for allowing the damper spring to exert tension on the damper wire during normal operating temperature.

Re claim 7: Hashiba et al. discloses, in figure 3 and throughout the discloser, the first end of the damper spring having a curvature perpendicular to the first end of the

damper spring, for allowing the damper wire attached to the tab to have a controllable elevation with respect to the mask.

Re claim 8: Hashiba et al. discloses, in column 3, lines 20+, the damper wire coupled between the tab and the damper spring by welding the damper wire to the tab and the damper spring.

Re claim 10: Hashiba et al. discloses, in figure 3 and throughout the discloser, an apparatus for retaining a damper wire proximate a grill type mask assembly in a cathode ray tube comprising: a mask assembly having a frame (13) and a mask (3); a damper spring (21) comprising a first end having a curvature and an opposing second end, wherein the second end is coupled to the frame, the first end having a curvature aligned with an edge of the mask for adjustably defining an elevation level of the damper wire with respect to the mask.

Re claim 11: Hashiba et al. discloses, in figure 3 and throughout the discloser, a grill type mask assembly in a cathode ray tube, comprising: a frame (13); a mask (3), including strands, disposed within the frame; and a damper spring (21) coupled to the mask including a portion formed by a first layer (21) having a first coefficient of thermal expansion coupled to a portion formed by a second layer (7) and having a different coefficient of thermal expansion (column 3, lines 21+) for vaying a tension in the damper spring to compensate for changes induced by corresponding changes in temperature within the cathode ray tube.

Re claim 12: Hashiba et al. discloses, in figure 3 and throughout the discloser, the first and second layer are coupled to form a bi-metal arrangement.

Re claim 13: Hashiba et al. discloses, in column 3, lines 20+, a damper wire that traverses the mask is coupled to the first and second layers that compensate for a change in length of the damper wire induced by temperature changes.

Re claim 14: Hashiba et al. discloses, in figure 3 and throughout the discloser, a tab (22) formed on the damper spring and adapted to accept the damper wire.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hashiba et al. in view of Ito et al. (US Patent 5,672,935).

Hashiba et al. fails to disclose the first metallic layer comprised of carbon steel.

Ito et al. discloses the first metallic layer comprised of carbon steel.

One of ordinary skill in the art at the time the invention was made would have recognized and is further taught by Ito et al. (column 1, lines 34+) the use of carbon steel because by using a high expansion coefficient metal the spring is able to sustain its shape during variable temperatures. Therefore, the tension on the damper wire will remain constant, in turn improving the quality of the mask. Ito et al. further teaches the use of both a high and low expansion coefficient metal for a spring in order to compensate for the variable temperatures within the cathode ray tube.

Allowable Subject Matter

Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The best prior art of record to Hashiba et al., Ito et al., Kume et al. (US Patent 4,682,965), Fendley (US Patent 5,391,957), and Lerner (US Patent 5,394,051) teach conventional damper springs, however they fail to teach or suggest coupling the damper wire to the tab by looping the damper wire around the tab and wedging the damper wire in a crotch between the tab and the damper spring.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent 5,394,051 discloses a damper spring
- US Patent 5,391,957 discloses a single reed spring
- US Patent 4,682,965 discloses a damper spring using a stainless steel metallic layer
- JP Patent 405128980A discloses a damper spring

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Gemmell whose telephone number is (703) 305-1937. The examiner can normally be reached on Monday-Thursday 6:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

emg
January 2, 2003

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